

ENTERED

Harry G. C. Jones
United States Bankruptcy Judge

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

ORDER: (I) AUTHORIZING UBS TO EFFECT ALTERNATIVE SERVICE OF SUBPOENAS ON JAMES DONDERO, (II) DENYING DONDERO'S MOTION FOR A PROTECTIVE ORDER, AND (III) GRANTING IN PART DONDERO'S MOTION TO MODIFY ORDER GRANTING LEAVE TO FILE UNDER SEAL

Upon consideration of: (i) *Plaintiffs' Motion for an Order Authorizing Alternative Service of Subpoenas* filed by UBS Securities LLC and UBS AG London Branch (together "UBS"), along with the Memorandum of Law, George Declaration, and Appendix filed in support of the Motion (Adv. Dkt. No. 28-30, collectively, the "UBS Motion"), (ii) *Nonparty Deponent James Dondero's Motion for a Protective Order* and accompanying exhibits (Adv. Dkt. No. 23, the "PO Motion"), and (iii) *James Dondero's Motion to Modify Order Granting Leave to File Under Seal* and accompanying exhibits (Adv. Dkt. No. 24, the "Seal Modification Motion," and with the UBS Motion and PO Motion, the "Motions"); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motions is proper in this District pursuant to 28 U.S.C. §§ 1408-1409; and due, adequate, and sufficient notice of the Motions having been given; and after due deliberation and for the reasons stated on the record at the hearing conducted April 28, 2021, it is hereby **ORDERED**:

1. The UBS Motion is GRANTED;
2. UBS is authorized to effect alternative service of a *Subpoena to Testify at a Deposition in a Bankruptcy Case or Adversary Proceeding* (the "Deposition Subpoena") and a *Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding* (the "Production Subpoena") upon James Dondero by (i) overnight mail to Mr. Dondero's current home address; and (ii) email to Mr. Dondero's counsel;
3. Mr. Dondero must produce documents in response to the Production Subpoena by May 6, 2021;

4. Mr. Dondero's deposition pursuant to the Deposition Subpoena is scheduled for May 10, 2021 at 9:30 am CT, unless otherwise agreed to by all parties;

5. The PO Motion is DENIED;

6. The Seal Modification Motion is GRANTED IN PART;

7. UBS will share the sealed *Original Complaint for Injunctive Relief* [Adv. Dkt. No. 3] (the "Complaint") with James Dondero and his counsel at Bonds Ellis Eppich Schafer Jones, LLP ("Bonds Ellis") upon the entry of this Order; and

8. James Dondero and his counsel at Bonds Ellis are restricted from sharing or discussing or conveying directly or indirectly the substance or nature of the contents of or allegations in the Complaint with anyone else, other than amongst themselves (*i.e.*, between James Dondero and his counsel at Bonds Ellis).

End of Order

Order prepared by:

LATHAM & WATKINS LLP

By /s/ Andrew Clubok

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